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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing (day/month/year)	12.07.2004
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Applicant's or agent's file reference RS/sk-15807		REPLY DUE	within 3 month(s) from the above date of mailing
International application No. PCT/CH 02/00545	International filing date (day/month/year) 01.10.2002	Priority date (day/month/year) 01.10.2002	
International Patent Classification (IPC) or both national classification and IPC H01F27/32			
Applicant DELTA ENERGY SYSTEMS (SWITZERLAND) AG et al.			

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

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12.10.04 *uey*

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 01.02.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Reder, M Formalities officer (incl. extension of time limits) Commare, I Telephone No. +49 89 2399-2883
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:
 - the entire international application,
 - claims Nos. 13-16
because:
 - the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - no international search report has been established for the said claims Nos. 13-16
2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:
 - the written form has not been furnished or does not comply with the Standard.
 - the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees, the applicant has:
 - restricted the claims.
 - paid additional fees.
 - paid additional fees under protest.
 - neither restricted nor paid additional fees.
- This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:
- Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this opinion:
 - all parts.
 - the parts relating to claims Nos. 1-12 .

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

1-3,5-7,9,10,12 (not novel)

WRITTEN OPINION

International application No. PCT/CH 02/00545

Inventive step (IS) Claims

Industrial applicability (IA) Claims

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: WO 01/78090 A
- D2: US-A-4 652 846
- D3: US-A-3 851 287
- D4: JP 06 181132 A

2. Remarks concerning clarity

The application does not meet the requirements of Article 6 PCT, because claims 1 and 12 are not clear.

2.1 The following passage from claim 1 is not clear " ... one separating plate (3, 3.1) which surrounds the outer surface of the coil body thereby dividing the surface into at least one coil area (15, 15.1)".

If the separating plate divides the outer surface then it divides it in at least **two** coil areas.

2.2 The following passage from claim 12 is not clear: "the core (11.1, 11.2) of the inductive element has the shape of two rectangular portions with a common edge".

From the rest of the claim and the description it is assumed that what is meant is basically a double E core or EI core. More in general, this kind of structure could probably be defined more clearly using the terms central leg and outer legs.

3. Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3, 4-7, 9, 10 and 12 is not new in the sense of Article 33(2) PCT.

3.1 The document D1 discloses a coil form for forming an inductive element with a core and at least one coil, including:

a) a hollow coil body (D1: 20, 40) for insertion of the core (D1: 70), the coil body having an outer surface for holding the at least one coil (D1: 51, 52),

- b) at least one separating plate (D1: 90) which surrounds the outer surface of the coil body thereby dividing the surface into at least two coil areas, characterised in that
 - c) the coil body is made of plastic (D1: p. 2, l. 39-40),
 - d) the separating plate is made of metal, having an opening for pushing the separating plate over the coil body and having a slit (D1:) for prohibiting leakage currents within the separating plate (D1: 90 in fig. 4 and p. 5, l. 16-21).

Similar coil forms for forming an inductive element with the same features as those of the subject-matter of claim 1 are also disclosed in documents D2, D3 and D4.

As a consequence, the subject-matter of present claim 1 is not new.

3.2 Dependent claims 2, 3, 5, 6, 7, 9, 10 and 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, the reasons being as follows:

the additional features of the dependent claims are already known from:

- documents D1, D2, D3 and D4 (claim 9),
- documents D1, D2 and D4 (claims 2 and 3),
- documents D2, D3 and D4 (claim 12),
- documents D1 and D2 (claims 5, 6 and 7),
- documents D4 (claim 10).
